

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Information Disclosure Statement**

The above-cited Office Action alleges that the non-patent literature publications were not received along with the information disclosure statements filed on June 30, 2005 and August 30, 2005.

In view of the above, copies of each of the non-patent literature publications cited in the information disclosure statements filed on June 30, 2005 and August 30, 2005 are attached herewith. Therefore, consideration of these non-patent literature publications is respectfully requested.

### **II. Specification**

As mentioned above, the specification and abstract have been reviewed and revised to improve their English grammar. No new matter has been added.

### **III. 35 U.S.C. § 101 Rejection of Claims 16 and 17**

Claims 16 and 17 were rejected under 35 U.S.C. § 101 for failure to recite statutory subject matter. Claims 16 and 17 have been amended to recite a computer-readable recording medium having a program recorded thereon. Therefore, because amended claims 16 and 17 now recite patentable subject matter, it is submitted that the Examiner's rejection under 35 U.S.C. §

101 is inapplicable. Thus, withdrawal of this 35 U.S.C. § 101 rejection is respectfully requested.

#### **IV. 35 U.S.C. Rejection of Claims 1-17**

Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Vandergeest (U.S. 6,247,127) and Naor. Claims 2, 9 and 10 have been cancelled without prejudice or disclaimer of the subject matter recited therein. These rejections are believed clearly inapplicable to amended independent claims 1, 8 and 13-17 and the claims that depend therefrom for the following reasons.

Claims 1, 3-8 and 11-17 have been amended to clarify features of the invention recited therein and to further distinguish the present invention from the above-identified references.

Amended independent claim 1 recites an apparatus including a certificate judgment unit operable to (1) judge the validity of a server certificate by comparing an identification number that identifies the server certificate with a revocation number stored by the revocation number storage unit. In addition, claim 1 recites a communication control unit operable to (2) establish a communication with a server apparatus when the certificate judgment unit judges the server certificate to be valid (by judging that the identification number that identifies the server certificate is equal to or larger than the revocation number stored by the revocation number storage unit), and operable to (3) revoke a communication with the server apparatus when the certificate judgment unit judges the server certificate not to be valid (by judging that the identification number that identifies the server certificate is smaller than the revocation number stored by the revocation number storage unit). Vandergeest and Naor, or any combination thereof, fail to disclose or suggest above-identified distinguishing features (1)-(3), as required by

independent claim 1.

Initially, please note that the above-described 35 U.S.C. § 103(a) rejection acknowledges that Vandergeest fails to disclose or suggest the above-mentioned distinguishing features, as now recited in amended claim 1. In light of the above this rejection relies on Naor for teaching the above-mentioned features which are lacking from Vandergeest.

However, Naor merely teaches storing, updating and retrieving a Certificate Revocation List (CRL) that identifies all revoked certificates by the serial number of the certificate (see page 2, section 2.1). More specifically, Naor teaches that a newly received certificate is compared with every certificate contained in the CRL and, if the newly received certificate matches a certificate identified in the CRL, then the newly received certificate is revoked (see page 2, section 2.1). In addition Naor specifically states that there is a high cost associated with searching a CRL for each newly received certificate, since CRLs may get very long (see page 2, section 2.1).

Thus, in view of the above, it is clear that Naor teaches that a newly received certificate is compared with every certificate contained in the CRL, but fails to disclose or suggest establishing communication when the certificate judgment unit judges the server certificate to be valid (by judging that the identification number that identifies the server certificate is equal to or larger than the revocation number stored by the revocation number storage unit), and revoking a communication with the server apparatus when the certificate judgment unit judges the server certificate not to be valid (by judging that the identification number that identifies the server certificate is smaller than the revocation number stored by the revocation number storage unit), as recited in claim 1.

In other words, Naor teaches a high cost system that compares a certificate against each entry in a long list of revoked certificates (i.e., a one-to-many comparison), but fails to disclose or suggest judging whether or not the identification number is equal to, larger than, or smaller than the revocation number (i.e., a one-to-one comparison), as required by claim 1.

In addition, as a result of the features of claim 1, it is possible to establish or revoke a communication by determining whether or not the (a single) identification number is larger/smaller/equal to the (a single) revocation number, which in turn reduces a load of judging the validity of a server certificate by searching an entire list of revoked certificates (which is the result of Naor). On the other hand, the system of Naor requires a larger memory and an increased processing load to maintain and search through an entire list of revoked certificates.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 1 and claims 3-7 that depend therefrom would not have been obvious or result from any combination of Vandergeest and Naor.

Amended independent claim 8 recites an apparatus including a revocation number update unit operable to (1) update a revocation number (stored in a storage unit) to a number that is larger than an identification number of a server certificate to be revoked. In addition, claim 8 recites an issuing unit operable to (2) issue a new server certificate including an identification number indicating a value that is equal to or larger than the revocation number (stored in the storage unit). Finally, claim 8 recites that, when the revocation number update unit updates the revocation number, the issuing unit (3) issues the new server certificate to another server apparatus that corresponds to a server certificate including an identification number indicating a value that is smaller than the updated revocation number. Vandergeest and Naor, or any

combination thereof, fail to disclose or suggest above-identified distinguishing features (1)-(3), as required by independent claim 8.

Initially, please note that the above-described 35 U.S.C. § 103(a) rejection acknowledges that Vandergeest fails to disclose or suggest the above-mentioned distinguishing features, as now recited in amended claim 8. In light of the above this rejection relies on Naor for teaching the above-mentioned features which are lacking from Vandergeest.

However, as discussed above, Naor merely teaches that a newly received certificate is compared with every certificate contained in the CRL and if the newly received certificate matches a certificate identified in the CRL, then the newly received certificate is revoked (see page 2, section 2.1).

Thus, for reasons similar to those discussed above, it is apparent that Naor fails to disclose or suggest updating a revocation number (stored in a storage unit) to a number that is larger than an identification number of a server certificate to be revoked and issuing a new server certificate including an identification number indicating a value that is equal to or larger than the revocation number (stored in the storage unit), as required by claim 8.

In addition, for reasons similar to those discussed above, it is also apparent that Naor fails to disclose or suggest issuing the new server certificate to another server apparatus that corresponds to a server certificate including an identification number indicating a value that is smaller than the updated revocation number, as recited in claim 8.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 8 and claims 11 and 12 that depend therefrom would not have been obvious or result from any combination of Vandergeest and Naor.

Furthermore, there is no disclosure or suggestion in Vandergeest and/or Naor or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Vandergeest and/or Naor to obtain the invention of independent claims 1 and 8. Accordingly, it is respectfully submitted that independent claims 1 and 8 and claims 3-7, 11 and 12 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 13, 14, 15, 16 and 17 are directed to a system, a communication method, an issuing method, a program, and a program, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claims 1 and/or 8. Thus, for the same reasons discussed above, it is respectfully submitted that claims 13-17 are allowable over any combination of Vandergeest and Naor.

**V. Conclusion**

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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